

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:09CR88
	§	
PIERRE SOWELL	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 8, 2014, to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Kevin McClendon.

On February 10, 2010, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of 20 months imprisonment followed by a three-year term of supervised release for the offense of Conspiracy to Commit Mail Fraud. Defendant began his term of supervision on September 7, 2011.

On July 18, 2014, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 35). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall pay restitution in the amount of \$489,022.90. Any amount that remains unpaid when Defendant is placed on supervision is to be paid on a monthly basis at a rate of at least 20% of Defendant's gross monthly income.

The Petition alleges that Defendant committed the following violations: (1) Defendant failed to pay restitution for the months of August, September, November, and December 2013; and January, February, March, April, and May 2014. As of July 18, 2014, Defendant is in default on his payments and the balance is \$488,797.90.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant signed a Consent to Revocation of Supervised Release and Waiver of Right to be Present to Speak at Sentencing and to Object to Findings of Magistrate Judge. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the October 8, 2014 hearing, the Court recommends that Defendant be committed to the custody of the U.S. Marshal Service to be detained for a term of one (1) hour to be served on October 8, 2014 with Defendant to be released at 12:45 p.m., with two (2) years, eleven (11) months and twenty-nine (29) days supervised release to follow. It is further recommended that it be **ORDERED** that the amount of required monthly restitution payments be reduced to ten percent (10%) of Defendant's gross monthly income.

SIGNED this 21st day of October, 2014.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE